

Message Text

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51

ACTION L-03

INFO OCT-01 EUR-25 IO-14 ISO-00 AF-10 ARA-16 EA-11 NEA-10

RSC-01 OIC-04 SY-10 CPR-02 SS-20 NSC-10 H-03 PA-04

PRS-01 USIA-15 CIAE-00 INR-10 NSAE-00 LS-01 /171 W

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INFO AMEMBASSY LONDON

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LONDON FOR NELSON

E.O. 11652: N/A

TAGS: UNGA, PINS

SUBJ: UNGA--LEGAL COMMITTEE--PROTECTION OF DIPLOMATS

1. AT VAN BRUSSELEN GROUP MEETING EVENING OCT 18, VAN BRUSSELEN CIRCULATED NEW DRAFT ARTICLE 2 OF CONVENTION ON PROTECTION OF DIPLOMATS, WITH RESULT OF LENGTHY DISCUSSION BETWEEN BELGIUM, SPAIN AND ARGENTINA. VAN BRUSSELEN SAID IDEA WOULD BE FOR BELGIUM, SPAIN, ARGENTINA AND THAILAND TO WITHDRAW THEIR SEPARATE AMENDMENTS AND COSPONSOR THIS TEXT; VAN BRUSSELEN THOUGHT TEXT MIGHT WIN WIDE SUPPORT WHEN LEGAL COMMITTEE RETURNS TO DISPOSITION OF ARTICLE 2 (CONCLUDING FIRST READING OF ARTICLE AND SENDING IT TO DRAFTING COMMITTEE) AFTERNOON OCT 22. GROUP MADE A VARIETY OF TECHNICAL POINTS, WHICH VAN BRUSSELEN SAID HE WOULD WORK ON: (A) DIFFERENCE IN STANDARD "LIKELY TO CAUSE" IN PARA 1(A) AND "CAUSING GRAVE DANGER" IN PARA 1(B), AS WELL AS IMPLICATION OF THIS WITH REGARD TO ATTEMPTS AND THREATS; (B) WHETHER COMPLICITY IN ATTEMPTS IS INCLUDED BY THE FORMULA IN PARA 2 AS WELL AS COMPLICITY IN THE MAIN CRIMES; AND (C) WHETHER "PENALTIES APPROPRIATE TO THEIR GRAVITY" WAS AN

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ACCEPTABLE CHANGE. ON WHOLE, DESPITE MINOR TECHNICAL

PROBLEMS WHICH COULD BE SOLVED IN DRAFTING COMMITTEE, GROUP
THOUGHT NEW TEXT ACCEPTABLE. VAN BRUSSELEN GIVEN GO AHEAD
BY GROUP TO WORK FURTHER ON TEXT WITH VIEW TO PUTTING
IT BEFORE LEGAL COMMITTEE OCT 22 IF BY THEN (A) SPAIN,
ARGENTINA AND THAILAND HAD FIRMLY AGREED TO COSPONSOR, AND
ALSO TO WORK HARD FOR ADOPTION OF TEXT; (B) IF CONSULTATIONS
SEEMED TO INDICATE TEXT WOULD RECEIVE WIDE SUPPORT AND QUICKLY
WIN IN A VOTE; AND (C) IF ITS SEEMED CLEAR THAT SUBMISSION OF
TEXT SO DIFFERENT FROM ILC DRAFT WOULD NOT REOPEN
COMPLETE DISCUSSION OF ARTICLE 2. WHILE WHOLE
GROUP HESITANT ABOUT THIS COURSE OF ACTION, GROUP
ALSO HAD GRAVE FEARS ABOUT WHAT RESULTS VOTING ON PLETHORA
OF AMENDMENTS SUBMITTED ON ARTICLE 2 WOULD RESULT IN, AND
ON BALANCE THOUGHT IT WORTH RISK.

2. FOLLOWING IS TEXT (AVAILABLE ONLY IN FRENCH) : BEGIN TEXT:

ARTICLE 2

1) EST UNE INFRACTION, LE FAIT INTENTIONNEL ET QUEL
QUE SOIT LE MOBILE,

A) DE COMMETTRE UN MEURTRE, DE PROCEDER A UN
ENLEVEMENT OU UNE AUTRE ATTAQUE CONTRE UNE
PERSONNE JOUISSANT D'UNE PROTECTION INTERNA-
TIONALE, POUVANT ENTRAINER SA MORT OU DE
GRAVES LESIONS PHYSIQUES, OU PORTANT GRAVE-
MENT ATTEINTE A SA LIBRETE,

B) DE COMMETTRE CONTRE LES LOCAUX OFFICIELS, LE
DOMICILE PRIVE OU LES MOYENS DE TRANSPORT
D'UNE PERSONNE JOUISSANT D'UNE PROTECTION
INTERNATIONALE, UNE ATTAQUE METTANT EN GRAVE
DANGER SON INTEGRITE PHYSIQUE OU SA LIBERTE.

2) TOUT ETAT PARTIE CONSIDERE CES ACTES COMME CONS-
TITUANT UNE INFRACTION AU REGARD DE SA LEGISLATION
INTERNE, AINSI QUE LA MENACE, LA TENTATIVE OU LA
PARTICIPATION EN TANT QUE COMPLICE.

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3) TOUT ETAT PARTIE REND CES INFRACTIONS PASSIBLES
DE PEINES APPROPRIEES A LEUR GRAVITE.
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